

Entered -06-11-01 - sb  
CL 01L0366 - GWENDOLYN BURNS

CLAIM OF:

**BRYAN MIDGETTE**  
1067 Alta Avenue, NE #14  
Atlanta, Georgia 30307

01-*R*-1401

For property damages alleged to have been sustained when a vehicle drove over a concrete obstruction in the roadway on May 24, 2001 at 1896 Piedmont Road.

THIS ADVERSED REPORT IS  
APPROVED

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0366

Date: August 17, 2001

Claimant /Victim BRYAN MIDGETTE  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 1067 Alta Avenue, NE, #14, Atlanta, Georgia 30307  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 250.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 6/6/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 5/24/01 Place: 1896 Piedmont Road  
Department \_\_\_\_\_ Division \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that his vehicle sustained property damage when he drove over a concrete obstruction in the roadway. However, Piedmont Road is a state route and is maintained by the State of Georgia and not the City of Atlanta. The claimant has been advised of same and his claim has been forwarded to the State Department of Transportation for resolution.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 02-30-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RECEIVED

JUN 06 2001

MUNICIPAL CLERK

ENTERED - 06-11-01 - DP  
0110366 - GWEN BURNS

RE: CLAIM FOR DAMAGES

Today's Date: 5/30/01

BURNS  
06/11/01  
R

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 250.00 property and/or \$ N/A bodily injury for which I contend the City is liable.

1. Date of incident: 05/24/01 (month/day/year) 2. Time of Incident: 11:30pm 3. Police called: X Yes No

4. Location of incident (including street address): 1896 Piedmont Rd.

5. Name of your insurance company: Progressive Insurance Policy No. 25719128-1

6. State what and how incident occurred: Travelling north on Piedmont Rd. and hit a huge blob of dried concrete (approx. 2 ft. in diameter & 10 in. high) causing the front right tire to deflate on impact. The tire must now be replaced + the tires balanced and aligned.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Volkswagen Jetta 2000 997 TLK Bryan Midgette  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Bryan Midgette  
Signature of Claimant

BRYAN MIDGETTE  
(Print Claimant's Name)

1067 Alta Ave NE #14  
(Address)

Atlanta, GA 30307  
(City, State and Zip Code)

404-664-5191 404-522-59  
(Work Number) (Home Number)